

DISTRICT OF MASSACHUSETTS

**SECOND EMERGENCY MOTION FOR ORDER DIRECTING
BUREAU OF PRISONS TO TRANSFER DEFENDANT TO DEVENS**

On May 11, 2005 this Court entered an Order (number 39 on the Docket Sheet) pursuant to an emergency motion by the defendant, Luis Rodriguez, for his transfer to Devens for medical evaluation and treatment. Following issuance of the Order, the BOP took custody of Rodriguez and transferred him to Devens. Rodriguez remained at Devens until approximately July 20, 2005 when he was transferred back to MCI Plymouth. While at Plymouth, on or about August 12, 2005, Rodriguez suffered another seizure in which he lost consciousness. By this Motion, Rodriguez requests that this Court enter another Order directing the BOP to take custody of him and transport him to Devens for further medical evaluation, monitoring and treatment.

Rodriguez points out to this Court that Devens released Rodriguez because the doctor placed him on medications to treat his seizures. See July 13, 2005 letter to this Court from David Linn, Warden, FMC, Devens a copy of which is attached hereto. The fact that he suffered a seizure several weeks after he was released from Devens gives rise to a preliminary conclusion that his medical problem has not been addressed or treated in an effective manner.

Rodriguez, and undersigned counsel, are fearful that his serious medical problems are not being properly addressed and that the consequences may be fatal. Counsel interrupted her vacation in order to visit Rodriguez to assist him in returning to Devens to be properly evaluated, monitored and treated.

WHEREFORE Rodriguez requests that this Court enter an Order similar to its May 11, 2005 Order directing the Bureau of Prisons to take custody of Rodriguez from the U.S. Marshal's Service and for the U.S. Marshal's Service to surrender custody immediately and deliver him to the Bureau of Prisons who will then deliver Rodriguez to FMC, Devens.

LUIS RODRIGUEZ

By his attorney,

/s/ Valerie S. Carter
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DATED: August 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2005 a true copy was hand delivered to Clerk and ECF Filed, and a copy of the above document was served upon U.S. Attorney of record and Pre-Trial Services via ECF-mailing and hand delivery.

/s/ Valerie S. Carter
Valerie S. Carter, Esq.